

Central Intelligence Agency



Washington, D.C. 20505

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OIT-0873-88

22 August 1988

MEMORANDUM FOR: Director, Office of Management and Budget

ATTENTION: James B. MacRae, Jr.
Acting Administrator and Deputy Administrator
Office of Information and Regulatory Affairs
NEOB Room 3235
Washington, DC 20503

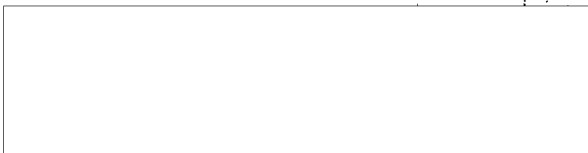
SUBJECT: Central Intelligence Agency
Annual Privacy Act Report, 1987

In accordance with the OMB Memorandum of 10 June 1988, forwarded herewith are the following submissions which constitute the Central Intelligence Agency Annual Report on the Privacy Act for Calendar Year 1987:

Attachment I: Responses to questions contained in 10 June 1988
OMB Memorandum.

Attachment II: Responses to "Part I."

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Information and Privacy Coordinator

Attachments

SUBJECT: Central Intelligence Agency
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DA/OIT/MG/ISD [] 19 August 1988

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ATTACHMENT I

CIA ANNUAL PRIVACY ACT REPORT FOR 1987

RESPONSES TO QUESTIONS CONTAINED IN 10 JUNE 1988 OMB MEMORANDUM

QUESTION 1:

"Describe the scope of your agency's training program."

ANSWER:

Training in FOIA/PA processing is required for Agency employees dealing with these Acts, and is available to others upon request. Our primary training vehicle is the FOIA/PA seminar, which is an internal training course conducted several times a year, as needed, by the Office of the Information and Privacy Coordinator. It is an intensive two-day course, consisting of lectures and hands-on experience, and is designed for all levels of personnel. No statistics are kept as to the percentages of employees at various grade levels who have had such training; it is the supervisors' responsibility to see that personnel dealing with the Acts are given the opportunity to attend this Seminar and receive supplementary on-the-job training, as appropriate. In addition, the Agency holds an FOIA/PA Symposium, generally once a year, for employees involved in the administration of these Acts. The usefulness of all training courses is judged by end-of-course questionnaires, and course content is adjusted accordingly.

Regarding the use of "other Privacy Act training," in 1987 several Agency employees attended the "Annual Symposium/Training Conference" sponsored by the American Society of Access Professionals. Attendees at this Conference, and a similar FOIA/PA symposium sponsored by the Government Executive Institute of the Office of Personnel Management, have judged them to be generally worthwhile and beneficial.

QUESTION 2:

"When did your agency last update its systems of records notices. Do you think it would be useful to have a requirement that agencies publish their entire collection of notices on a regular basis? If so, at what interval, e.g., every five years? How does your agency ensure that all systems of records are properly identified as such and notices of their existence published in the Federal Register?"

ANSWER:

This Agency last published the full text of its systems of records September 22, 1977. We anticipate publishing a full, updated version of our systems in the near future.

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In the opinion of this agency, a requirement to publish the entire collection of notices on a regular basis would be useful; every five years seems reasonable.

The agency's records management program provides an automatic review of each new system of records to determine whether it meets the definition of a system under the Privacy Act. If that determination is in the affirmative, then the component records management officer is responsible for submitting a copy of the proposed notice through the records management division to the Coordinator for publication in the Federal Register.

QUESTION 3:

"What is the role of your agency's Privacy Act Officer."

ANSWER:

The CIA Information and Privacy Coordinator is responsible for administering the CIA processing system for handling requests submitted pursuant to E.O. 12356, the FOIA, and the PA; for coordinating action on requests, as necessary, with other agencies; for preparing reports to Congress and other organizations as required; and serving as the channel through which releasable records reach the public.

QUESTION 4:

"When was your agency's Privacy Act regulation last reviewed or updated? Did you adopt OMB guidance on adopting a blanket routine use for disclosures during litigation? Did you establish a system in which to maintain call detail records?"

ANSWER:

CIA's Privacy Act regulations were published on 22 September 1977 and updated on 16 June 1981.

The CIA has not adopted a blanket routine use for disclosures during litigation. The CIA, however, has designated as a routine use disclosures in the course of presenting evidence to courts magistrates or administrative tribunals, disclosures to opposing parties or their representatives in settlement negotiations and disclosures made pursuant to statutes or regulations governing the conduct of judicial quasi-judicial or administrative proceedings.

No system has been established in which to maintain call detail records.

QUESTION 5:

"Does your agency have any components which are exempt from the requirements of the OMB matching guidelines? If yes, please explain why."

ANSWER:

Not applicable. This Agency does not participate in matching programs.

QUESTION 6:

"If your agency has an Inspector General, has his or her office conducted any audits of Privacy Act compliance within the agency? If so, please provide the results."

ANSWER:

The Inspector General did not conduct any audits of Privacy Act compliance during CY1987.

QUESTION 7:

"Has your agency published any policy or procedural guidance on maintaining Privacy Act records in automated databases in a microcomputer environment? Please provide."

ANSWER:

No. The Agency has not published guidance on maintaining Privacy Act records in automated bases.

QUESTION 8:

"Has your agency taken a position in litigation inconsistent with interpretations of the Privacy Act contained in any guidance issued by this office?"

ANSWER:

No. To the best of our knowledge, the Agency has not taken a position in litigation inconsistent with OMB Privacy Act interpretations.

QUESTION 9:

"...For each new automated system of records your agency published in 1987, please provide a copy of this risk assessment."

ANSWER:

There is no new system of records to report for CY1987.

QUESTION 10:

"Would you be able in future years to provide report information on a floppy 5-1/4 inch disk? The text of the report would be included as an ASCII file; the data on access/amendment and publication of notices would be included in a spreadsheet format?...."

ANSWER:

In future years, there is a good possibility that report information could be provided on either a floppy 3-1/2 inch disk or a 5-1/4 inch disk. There should not be any problem in providing the report as an ASCII file. Statistics could be created and possibly included in a spreadsheet type of format.

Of course, all of this depends on how the data are stored, and the type of hardware and software we have available to use at the time. We would definitely need some explicit details of your requirements and advance notice in order to do any programming or whatever would be necessary to prepare the data in the proper formats.

ATTACHMENT II

CIA ANNUAL PRIVACY REPORT FOR 1987 - PART I

A. Privacy Act Points of Contact:

1. Senior Agency Official [for CY 1987]:

William F. Donnelly
Deputy Director for Administration
Central Intelligence Agency
Washington, DC 20505
Telephone:

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2. Privacy Officer [for CY 1987]:

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505
Telephone:

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3. Legal Counsel [for CY 1987]:

Legal Counsel
Central Intelligence Agency
Washington, DC 20505
Telephone:

STAT

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B. Publication Data:

1. Total number of active systems:

0
nonexempt

66
exempt

2. Number of new systems published during 1987:

0
nonexempt

1*
exempt

*Reported in 1986 report.

3. Number of systems deleted during 1987:

0
nonexempt

0
exempt

4. Number of systems automated, either in whole or part, during 1987:

0
nonexempt

3
exempt

5. Number of existing systems for which new routine uses were established, during 1987:

0
nonexempt

0
exempt

6. Number of existing systems for which new exemptions were claimed:

0

7. Number of existing systems from which exemptions were deleted:

0

8. Number of public comments received on agency publication of rules or notices:

0

9. No comments concerning Agency administration of the Privacy Act were received in 1987.

C. Individuals' Exercise of Rights of Access and Amendment:

1. Total number of requests for access:

1408

2. Number of requests wholly or partially granted:

594

3. Number of requests totally denied:

106

4. Number of requests for which no record was found:

476

5. Number of appeals of denials of access:
22
6. Number of appeals in which denial was upheld:
14
7. Number of appeals in which denial was overturned either in whole or in part:
2
8. Number of requests to amend records in system:
3
9. Number of amendment requests wholly or partially granted:
2 (the 3rd one was cancelled)
10. Number of amendment requests totally denied:
0
11. Number of appeals of denials of amendment requests:
0
12. Number of appeals in which denial was upheld:
0
13. Number in which denial was overturned either in whole or in part:
0
14. Denial of individual access on basis other than Privacy Act exemptions (j) or (k):

In one appeal case, the (d)(5) exemption was used, in addition to (j)(1), to justify the withholding of records that qualify as attorney work product compiled in the course of litigation.
15. Number of instances in which individuals litigated the results of appeals of access or amendment:
2

16. The results of such litigation:

Both cases are still open.

D. Matching Programs:

Not applicable. The Agency does not participate in matching programs.

E. Agency Analysis of Implementation Activities:

In 1987, over 1400 requests for personal file information were received and accepted for processing pursuant to the Privacy Act, an increase of about 8% over the previous year. Several hundred additional requests were also received but could not be formally processed because of insufficient information. In these instances, the requester chose not to respond to our request for additional information, such as date and place of birth, or failed to supply a notarized statement attesting to his/her identity.

We continue our efforts to reduce the backlog and processing time. One policy we have used in the past and have used with increased frequency is to personally contact requesters by telephone when it will facilitate processing of the request, e.g., to obtain date or place of birth. We also have someone who, as part of his assigned tasks, routinely checks the status of the backlog cases to ensure that the processing is on track.